S.B.Civil Misc. Appeal No.143/94
Ishaq Mohammed & ors. vs. State & anr.

Date of Order: 16.10.2006

HON'BLE MR. PRAKASH TATIA, J.

None present for the appellant.
Mr. Durga Ram for the respondent.

The present appeal has been preferred to challenge the order of the appellate court dated 2.3.1994 by which the first appellate court dismissed the appellant's injunction application filed under Order 39 Rules 1 and 2, C.P.C.

It appears from the facts of the case that the plaintiff's suit was dismissed by the trial court vide judgment and decree dated 14.2.1991 without framing any issue. The said judgment and decree was challenged by preferring regular first appeal. In the first appeal, the plaintiff submitted an application for grant of injunction. The first appellate court dismissed the injunction application.

The record of the first appeal was called and it appears from the record that the regular first appeal has been decided by the first appellate court vide judgment and decree dated 31.3.1997 and the suit has been remanded to the trial court.

In view of the above, the present appeal has become infructuous and hence the appeal of the appellant is dismissed as having become infructuous.

(PRAKASH TATIA),J.